**HIGH COURT OF UTTARANCHAL AT- NAINITAL.**

Writ Petition No. 846(S/S)2004

Mahendra Singh Bora S/o Narian Singh Bora,
Posted as Assistant Teacher, Primary School,
Bhoolgoan, Distt. Almora. ….Petitioner.

Vs.

Rajaya Pariyojana Nideshak (District)
Sarva Shiksha Abhiyan,
Dehradun and three others. ….Respondents.

Sri D.S. Rawal, learned counsel for the petitioner.
Learned Standing counsel for the respondents.

**Hon'ble M.M. Ghildiyal, J.:**

Heard Sri D.S. Rawl, learned counsel for the petitioner and learned Standing Counsel for the respondent.

Parties are agreed that the petition may be heard and decided on the admission stage itself.

By means of this writ petition, the petitioner has prayed for a writ, order or direction in the nature of certiorari quashing the entire selection process initiated for selecting and appointing teachers pursuant to the advertisement dated 17.06.2004.

An advertisement was issued by the Principal District Education & Training Institute, Almora inviting the applications for appointment of the post of "Sah Samanwayak" and "Sankul Sansadhan Kendra Samanwayak" from the teachers who are teaching in Basic School and have at least five year' experience of teaching. The petitioner has submitted that he was appointed on the post of Assistant Teacher in Primary School under the dying-in-harness Rules in the year 1992. In pursuance to the aforesaid advertisement, the petitioner has also applied and has qualified the written examination which was held on 11$^{th}$ July 2004. Thereafter, the petitioner has also participated in the interview.

Contention of the petitioner is that the Core Committee has specifically informed him that he could not be selected as he was appointed under dying-in-harness Rules. The petitioner has submitted that the result has yet to be declared. At this stage, the writ petition is found to be misconceived, as the list of finally selected candidates has

yet not been declared. It is possible that the petitioner may be successful.

The petitioner has submitted that the result is likely to be declared very soon. The petitioner has made allegations that there is large scale of bungling in the selections, but no specific allegations have been made in the writ petition. the allegations are vague.

Though there are no specific allegations mentioned in the writ petition yet, I direct the Joint Director of Education, Kumaon Mandal, Nainital to look into the matter and after going through the records shall pass suitable orders and direct the Principal, District Education & Training School, Almora to make selection strictly in accordance to law.

With these directions, the writ petition is finally disposed of.

**(M.M. Ghildiyal, J.)**

July 27, 2004:
NCM: